

Mayor Cline called the work study caucus session to order at 6:27 p.m. in the City Hall Council Chambers on January 6, 2009. The following Council members physically attended: Mayor Cline, Commissioners Randy Ervin, Rick Hall, Joe McKenzie, and David Schilling.

Also physically present were City personnel: City Administrator Alan Gilmore, Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Water Treatment Plant Superintendent Jim Lang, Police Chief David Griffith, Fire Chief Mike Chism, Community Development Coordinator Kyle Gill, and City Clerk Susan O'Brien.

Administrator Gilmore reviewed the pending agenda items with discussion emphasizing on the bar screens, wrestling club, atrazine litigation, and hotel/motel tax collection and uses.

Mayor Cline called the regular meeting of the City Council to order at 7:02 p.m. in the Council Chambers at City Hall on January 6, 2009.

Mayor Cline presiding.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Joe McKenzie, YEA Commissioner David Schilling, YEA Mayor David Cline.

Also physically present were City personnel: City Administrator Alan Gilmore, Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Water Treatment Plant Superintendent Jim Lang, Police Chief David Griffith, Fire Chief Mike Chism, Community Development Coordinator Kyle Gill, and City Clerk Susan O'Brien.

Mayor Cline seconded by Commissioner Schilling moved to approve the consent agenda consisting of minutes of the regular meeting December 16, 2008 and special meeting December 23, 2008; Police Department report for the month of November, 2008; Fire Department report for the month of December, 2009; and Fire Department 2008 annual summary report.

Bills and payroll for the last half of December 2008

General Fund

Payroll	\$	255,372.01
Bills	\$	<u>292,976.04</u>
Total	\$	548,348.05

Hotel Tax Fund

Payroll	\$	1,758.08
Bills	\$	<u>3,280.94</u>
Total	\$	5,039.02

Festival Management

Bills	\$	<u>506.03</u>
Total	\$	506.03

Insurance & Tort Judgment

Bills	\$	<u>5,327.00</u>
Total	\$	5,327.00

Water Fund

Payroll	\$	32,730.14
Bills	\$	<u>76,031.32</u>
Total	\$	108,761.46

Sewer Fund

Payroll	\$	28,540.65
Bills	\$	<u>365,325.13</u>
Total	\$	393,865.78

Cemetery Fund

Payroll	\$	3,540.93
Bills	\$	<u>281.32</u>

Total \$ 3,540.93

Motor Fuel Tax Fund

Bills \$ 8,289.30
Total \$ 8,289.30

Revolving Loan Fund

Bills \$ 1,100.00
\$ 1,100.00

Health Insurance

Bills \$ 67,459.54
Total \$ 67,459.54

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline opened the floor for presentations, petitions and communications. There was no public discussion.

Commissioner McKenzie seconded by Commissioner Ervin moved to adopt Council Decision Request 2009-925, appropriating \$320,130 of motor fuel tax funds for street maintenance uses for the calendar year 2009; approving the bid specifications for Seal Coat, Rock & Asphalt for street maintenance uses; and authorizing the mayor to sign the document.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner McKenzie seconded by Commissioner Schilling moved to adopt Resolution 2009-2762, appropriating \$330,000 of MFT funds for the 2009 Street Maintenance uses. [09-00000-00-GM]

RESOLUTION 2009-2762

**Resolution for Maintenance of
Streets and Highways by Municipality
Under the Illinois Highway Code**

BE IT RESOLVED, by the Council _____ of the
(Council or President and Board of Trustees)
City _____ of Mattoon _____, Illinois, that there is hereby
(City, Town or Village) (Name)
appropriated the sum of \$330,000.00 of Motor Fuel Tax funds for the purpose of maintaining
streets and highways under the applicable provisions of the Illinois Highway Code from January 1, 2009
(Date)
to December 31, 2009.
(Date)

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in the account(s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this resolution to the district office of the Department of Effingham _____, Illinois.
Transportation, at _____

Mayor Cline seconded by Commissioner Ervin moved to adopt Ordinance 2009-5266, approving an amendment to the meeting procedures of the Mattoon City Council.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2009-5266

AN ORDINANCE AMENDING THE MEETING PROCEDURES OF THE MATTOON CITY COUNCIL.

WHEREAS, the City of Mattoon, Coles County, Illinois, has in its Code of Ordinances procedures for the meeting of the Mattoon City Council, and;

WHEREAS, the current City of Mattoon Code of Ordinances currently uses the word “caucus” in describing the first order of business to be undertaken at City Council Meetings, and;

WHEREAS, The City Council believes the word “caucus” is inappropriate and desires strike that word from the ordinance and simply begin the City Council meetings at 6:30 p.m. on the first and third Tuesday of each month.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Amendments. Section 32.02 of Chapter 32 of the Code of Ordinances of the City of Mattoon are hereby repealed. Section 32.02 of Chapter 32 is reenacted as follows:

(A) All regular meetings of the City Council shall be held on the first and third Tuesday of each month. All regular meetings of the City Council shall convene at 6:30 p.m.

Section 3. This Ordinance shall be in full force and effect from and after its approval, passage, and publication.

Upon motion by Mayor Cline, seconded by Commissioner Ervin, adopted this 6th day of January, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline

NAY (Names): None

ABSENT (Names): None

Approved this 6th day of January, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: _____ APPROVED AS TO FORM: _____

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 7, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision Request 2009-929.

approving amendments to the budget for the fiscal year ending April 30, 2009.

Mayor Cline opened the floor for questions or comments. Attorney & Treasurer Owen stated the amendments were moving funds from one line item to another without affecting the bottom-line budget.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Schilling moved to adopt Resolution 2009-2763, approving the plans and specification, and authorizing the call for bids for the restoration of the historic Illinois Central Depot.

CITY OF MATTOON, ILLINOIS

RESOLUTION 2009-2763

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE RESTORATION OF THE HISTORIC ILLINOIS CENTRAL DEPOT

WHEREAS, the City of Mattoon is committed to renovation and redevelopment of the community’s intermodal transportation sector, and

WHEREAS, the Mattoon Depot provides rail access to an estimated 30,000 Amtrak passengers annually, and

WHEREAS, the City has previously engaged the services of the Architectural Consulting firm of Hance-Utz & Associates Inc. to develop plans and specifications for renovation of the Historic Illinois Central Depot, and

WHEREAS, the City relies upon the Architect for technical assistance and expert advice in regard to drafting, advertising for bids, construction management, standards for bid proposals, approval of pay requests, and other matters relating to the completion of the Depot Restoration project, and

WHEREAS, Hance-Utz & Associates has advised the City to request authorization from the Illinois Department of Transportation to hold a Local Letting to receive sealed bid proposals and to waive pre-qualification standards for bidders submitting proposals for the renovation of the Historic Illinois Central Depot, and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS,

1. The Mattoon City Council hereby approves the Mattoon Depot Restoration plans and specifications provided by its architect Hance-Utz Associates subject to any further reviews and approvals within the jurisdiction of any State for Federal Agencies.
2. Hance-Utz & Associates serving as the City’s Architect and construction manager are hereby authorized to prepare bid notices on behalf of the City of Mattoon for the Depot Renovation project.
3. Hance-Utz & Associates is further authorized to coordinate a Pre-Bid Conference and shall prepare and distribute any additions, amendments or addendums to all bidders requesting plan sets as necessary to move forward with this endeavor.
4. Hance-Utz & Associates shall establish a bid opening date and time to be conducted in accordance with Illinois Department of Transportation bidding standards and regulations.
5. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to complete the bidding process.

Upon motion by Commissioner Hall seconded by Commissioner Schilling, adopted this 6th day of January __, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall
 Commissioner McKenzie, Commissioner Schilling
 Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 6th day of January, 2009.

/s/ David W. Cline
David W. Cline, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 7, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner McKenzie moved to adopt Special Ordinance 2009-1314, authorizing the City of Mattoon to file suit against the makers of atrazine for the pollution caused by atrazine.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2009-1314

A SPECIAL ORDINANCE AUTHORIZING THE CITY TO FILE SUIT AGAINST THE MAKERS OF ATRAZINE FOR THE POLLUTION CAUSED BY ATRAZINE

WHEREAS, there is currently litigation underway in Illinois against the makers of Atrazine for the pollution caused by Atrazine, and;

WHEREAS, the City of Mattoon has and continues to experience the occurrence of Atrazine in its water supply, and;

WHEREAS, the City believes that it has and will continue to expend funds to limit or reduce the effect of Atrazine on its water sources and supplies, and;

WHEREAS, the City believe it is appropriate to ask the makers of Atrazine to assume the responsibility for eliminating, reducing or minimizing the effects of Atrazine on the City's water sources and supplies, and;

WHEREAS, the City believes that it is being proactive in taking these steps to protect the water sources and supply for its citizens.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Special Ordinance.

Section 2. The Mayor and City Attorney & Treasurer are authorized and directed to take any steps necessary to file suit against the maker or makers of Atrazine or in the alternative to join any suit now pending in the State or Federal Courts of Illinois against any of the makers of Atrazine.

Section 3. The Mayor is authorized and directed to sign the "Legal Services Agreement," attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 4. The Mayor and City Clerk are also authorized to do any act and sign any additional documents necessary to implement the intent of this Ordinance.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Mayor Cline, seconded by Commissioner McKenzie, adopted this 6th day of January 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of January, 2009.

/s/ David W.

David W.

Cline
Cline, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 7, 2009.

Mayor Cline opened the floor for questions or comments. Mr. Herb Meeker inquired as to the costs to file suit with Attorney & Treasurer Owen stating a contingent fee with no cost to the City.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Ervin moved to adjourn at 7:13 p.m.

Mayor Cline opened the floor for questions or comment. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

/s/ Susan J. O'Brien
City Clerk